



JUDICIAL SYSTEM MONITORING PROGRAMME
PROGRAMA MONITORIZASAUN SISTEMA JUDISIÁRIU

Case Summary
Baucau District Court
January 2016

A. Summary of the trial process in Baucau District Court

1. Total cases observed by JSMP: 33

Case type	Total
Article 145 and Article 35 of the Law Against Domestic Violence - Simple offences against physical integrity characterized as domestic violence	8
Article 145 – Simple offences against physical integrity	8
Article 146 – Serious offences against physical integrity	1
Article 157 – Threats	2
Article 251 – Theft	2
Articles 138, 23 – Attempted murder	1
Article 140 – Manslaughter	1
Article 154 – Mistreatment of a spouse	2
Article 172 – Rape	1
Article 258 – Property damage	2
Article 259 – Aggravated property damage	3
Article 138 – Homicide	2
Total	33

2. Total number of decisions observed by JSMP: 17

Type of decision	Total
Prison sentence	-
Prison sentence with other conditions (compensation)	-
Suspended sentences pursuant to Article 68 of the Penal Code	9
Suspended sentences with other conditions pursuant to Article 69 of the Penal Code	-
Suspended sentences with rules of conduct pursuant to Article 70 of the Penal Code	-
Suspended sentences with rules of conduct pursuant to Article 71 of the Penal Code	-
Fine pursuant to Article 67 of the Penal Code	1
Fine with conditions in accordance with Article 38.2 of the Law Against Domestic Violence	-
Admonishment pursuant to Article 82 of the Penal Code	-
Settlement was validated	6
Compensation	-
Acquitted	1
Total	17

3. Total cases adjourned based on JSMP monitoring: 16

Reason for adjournment	Total
The defendant and the victim received a summons, but they did not appear	3
The court could not find the residence of the victim	-
The court could not find the residence of the defendant	3

The victim received a summons, but was not present	1
The defendant received a summons, but was not present	3
The victim and witnesses received a summons, but were not present	1
A panel of judges was unable to establish a quorum because a judge did not appear	3
Still hearing witness testimony	1
Still hearing the final recommendations	1
Total	16

4. Total cases that are still ongoing: 16

B. Short description of decisions issued in cases observed by JSMP

1. Crime of simple offences against physical integrity

Case No : 0103/14.BCBCV
Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Alfonso Lopez
Public Defender : Grigorio de Lima
Type of decision : Settlement was validated

On 5 January 2016 the Dili District Court attempted conciliation in a case of ordinary maltreatment against physical integrity, allegedly committed by the defendant BAB against the victim LdCC. This case allegedly occurred on 18 September 2014 in Baucau District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim. During the aforementioned process the defendant also promised not to reoffend in the future. In addition, the victim also testified that she had forgiven the defendant and was willing to withdraw the complaint. The victim also testified that the victim and the defendant lived close to each other or were neighbors.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendant from all of the charges of the public prosecutor.

2. Crime of simple offences against physical integrity

Case No : 0509/13.PDBAU
Composition of judges : Single
Judge : Ivan P. Antonio
Public Prosecutor : Domingos Barreto
Public Defender : Rui M. Guterres
Type of decision : Ordered to pay a fine of US\$ 100

On 6 January 2016 the Baucau District Court read out its decision and sentenced the defendants BA and JSA to a fine of US\$100 after they were found guilty of committing the crime against TdC on 2 October 2013 in Cribas, Manatuto District.

The public prosecutor alleged that the defendants were heavily intoxicated when they went to the Cribas Health Centre without permission on 2 October 2013 at approximately 10:15am. The victim, who is a security guard, told the defendants to leave the location. However, the defendants did not accept this and the defendant JSA kicked the right leg of the victim once. After that, the defendant BA twice threw a piece of broken brick at the head and chest of the victim.

The public prosecutor charged the defendants with violating Article 145 of the Penal Code regarding simple offences against physical integrity.

During the trial the defendant BA admitted all of the facts charged by the public prosecutor. The defendant JSA testified that he kicked the victim once in the leg because the victim had first punched the defendant in the head.

In addition, the victim confirmed the facts listed in the indictment and testified that the aforementioned violence resulted in the victim being treated at the hospital for 1 week and required traditional treatment, which cost US\$50.

In his final recommendations the public prosecutor testified that the defendants admitted all of the facts stated in the indictment. Therefore, he requested for the court to punish the defendants in accordance with Article 145 of the Penal Code and requested for the court to order the defendants to return the victim's money totaling US\$50 that was spent on traditional treatment.

The public defender requested for the court to issue a fair and appropriate punishment against the two defendants and agreed that the two defendants should repay the money of the victim that had been for health treatment.

The court evaluated the facts and circumstances relating to the aforementioned criminal act, then ordered the defendant BA to pay a fine of US\$60, to be paid in daily instalments

of US\$0.50 for 120 days. The court also stipulated an alternative punishment of 80 days in prison if the defendant does not pay the aforementioned fine. In relation to the defendant JSA, the court issued a fine of US\$40 to be paid in daily instalments of US\$ 0.50 for 80 days. The court also stipulated an alternative punishment of 53 days jail if the defendant does not pay the aforementioned fine. In addition the court also ordered the two defendants to pay compensation to the victim totaling US\$50.

3. Crime of simple offences against physical integrity

Case No. : 0001/16.PDBAU
Composition of judges : Single
Judge : Antonio Fonseca
Public Prosecutor : Domingos G. Bareto
Public Defender : Antonio Fernades (trainee)
Type of decision : Settlement was validated

On 6 January 2016 the Baucau District Court attempted conciliation for the crime of ordinary maltreatment involving the defendants JdSRB, AdS, DdJ, SdJ and CdC (aged 14) against the victim SS. This case allegedly occurred on 3 January 2016 in Viqueque District.

During the attempted conciliation, the court decided to acquit the defendant CdC from this process because he was underage. The other defendants admitted their guilt and apologized to the victim. During the aforementioned process the defendants also promised not to reoffend in the future. In addition, the victim also testified that he had forgiven the defendants and was willing to withdraw the complaint.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendants from the charges of the public prosecutor.

4. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0007/15.BCQLC
Composition of judges : Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Alfonso Lopez
Public Defender : Jose M Guterres
Type of decision : Sentenced to 9 months in prison, suspended for 1 year.

On 12 January 2016 the Baucau District Court read out its decision and imposed a suspended sentence of one year against the defendant MR who committed mistreatment against his wife, on 30 April 2015, in Baucau District.

The public prosecutor alleged that on 30 April 2015 at approximately 6:00am the defendant became angry and twice slapped the victim on the back and once on her right cheek, which caused bleeding. The incident occurred because the victim did not want to feed a pig.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant admitted all of the facts and testified that all of the charges against him were true. Nevertheless, the defendant testified that in relation to the incident, actually it happened at midday, not in the morning. Because the defendant admitted all of the facts, the public prosecutor told the court that it was not necessary to hear testimony from the victim and instead proceeded to the final recommendations.

In his final recommendations the public prosecutor testified that the defendant admitted all of the facts stated in the indictment. Therefore he requested for the court to hand down a proportional penalty against the defendant.

The public defender added that the defendant admitted all of the facts before the court, and therefore requested for the court to provide justice that is more appropriate to the defendant.

Based on the evidence revealed during the trial, and the circumstance relating to this case, the court concluded the matter and sentenced the defendant to 9 months in prison, suspended for 1 year.

5. Crime of Manslaughter

Case No.	: 0046/14.PDBAU
Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Alfonso Lopez
Public Defender	: Rui M. Guterres
Type of decision	: Sentenced to 1 year and 3 months in prison, suspended for 2 years.

On 14 January 2016 the Baucau District Court read out its decision and sentenced the defendant RdC to a suspended prison sentence of 2 years after he was found guilty of committing the crime against AdS in Viqueque District.

The court proved that on 8 January 2014 at 10am the defendant was driving a minibus bearing the number plate 35.938 TLS, from Ossu towards Viqueque. At that time, the

defendant was carrying approximately 10 or more passengers. When he arrived in Buanurak, suddenly defendant was unable to brake and collided with a truck on the side and cause the victim's head to smash into some steel and the victim suffered serious injuries and the victim's hand was severed and fell from the vehicle because at that time the vehicle was on an angle and nearly tipped over.

During the trial, the defendant testified that the defendant together with the other passengers tried to contact an ambulance but the victim could not be saved and he died during the journey.

The court proved that the defendant had given compensation to the family of the victim for a burial, but the amount of compensation given was not specified.

Previously, the public prosecutor had charged the defendant for violating Article 140 of the Penal Code on manslaughter.

After evaluating the facts deduced during the trial, the court decided this matter and sentenced the defendant to 1 year and 3 months in prison, suspended for 2 years.

6. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0034/13.PDBAU
Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Alfonso Lopez
Public Defender	: JuvinalYanes
Type of decision	: Sentenced to 1 year 6 months imprisonment, suspended for 2 years.

On 20 January 2016 the Baucau District Court read out its decision and sentenced the defendant CdS to 2 years in prison after he was found guilty of committing the crime against his partner in Lautem District.

The public prosecutor alleged that on 26 September 2012 the defendant and the victim argued because the defendant did not want the victim to spend too much time mourning at a wake. The victim went to the wake on 24 September and returned on 26 September 2012 at 10.00 am. The defendant became angry with the victim and punched her 3 times on her left and right cheeks, kicked her once on her calf and then pulled the hair of the victim and threw her on the ground. These actions only stopped after their daughter yelled out for help to some other people so the defendant felt embarrassed and released the victim.

The victim testified that prior to the incident the defendant often punched her in the mouth, shoulder and kicked her once in her calf. The victim testified that she did not recall the month and year of the incident but the defendant did commit violence against her.

Previously the public prosecutor charged the defendant for violating Article 154 of the Penal Code regarding mistreatment of a spouse as well as the Law Against Domestic Violence, which was replaced by Article 145 of the Penal Code, simple offences against physical integrity, because it was not proven that the defendant had previously punched the victim.

During the trial the defendant only admitted the facts relating to the incident on 26 September 2012, however he denied the facts relating to the violence committed in the past. The defendant stated that this was the first time he had committed an offence against his wife because she had stayed at the wake for 3 days. The defendant testified that now the defendant and the victim have reconciled and are living together as husband and wife. The victim continued to confirm the facts listed in the indictment and testified that after the incident she went to the hospital for one day.

Because the defendant admitted some of the facts, which were corroborated by the victim in relation to the incident on 26 September 2012, the public prosecutor requested for the court to hear the testimony of the witness RdS and to continue with the final recommendations.

In his final recommendations the public prosecutor testified that the defendant denied several facts that were listed in the indictment. Nevertheless, he requested for the court to sentence the defendant in accordance with Article 154 of the Penal Code on mistreatment of a spouse.

The public defender requested for the court to amend the charge of Article 154 of the Penal Code on mistreatment of a spouse to Article 145 of the Penal Code on simple offences against physical integrity. This was on the basis that the defendant had admitted several facts, testified that he was a first time offender, and that he and the victim had reconciled and were again living as together as husband and wife.

After examining all facts and the circumstances relating to this case, the court considered the request of the public defender to amend Article 154 on mistreatment of a spouse to Article 145 of the Penal Code on simple offences against physical integrity.

Based on the aforementioned facts, the court concluded the matter and sentenced the defendant to 1 year and 6 months in prison, suspended for 2 years.

7. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0187/13.PDBAU
Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Domingos Barreto
Public Defender : Juvinal Yanes
Type of decision : Sentenced to 6 months in prison, suspended for 1 year.

On 20 January 2016 the Baucau District Court read out its decision and sentenced the defendant JAS to a suspended prison sentence of 1 year after she was found guilty of committing the crime against her husband in Baucau District.

The public prosecutor alleged that the victim and defendant have been living together as husband and wife since 1980 and have 5 children. While they were living together the defendant and the victim always argued.

On 13 March 2013 at 8:00am the victim requested for the defendant to go and help cook at the neighbor's house who was building a new house, but the defendant responded that she did not want to go and the defendant became angry and threw a plate of chili at the head of the defendant. After that, the defendant took some spicy sauce that was in a water bottle and splashed it in the eyes of the victim. The victim could not open his eyes and had to be treated at the hospital. The victim testified that since the incident he has been unable to see clearly and has to wear glasses when he is performing activities.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of the Law Against Domestic Violence.

During the trial the defendant confessed and testified that all of the facts laid out in the indictment of the public prosecutor were true. After that she denied that they have 5 children, because in reality they have 7 children. The defendant said that she did it in self-defense because at that time the victim was going to hit the defendant with his stick. Therefore, she splashed the spicy sauce into the eyes of the victim. The defendant also stated that now she and the victim have been divorced for 3 years because they always argued.

The victim continued to confirm the facts listed in the indictment and told the court that he suffered pain to his eyes for more than 1 month, which forced the victim to wear glasses. The victim also confirmed that he and the defendant have divorced.

In his final recommendations the public prosecutor testified that the defendant admitted all of the facts stated in the indictment and the defendant is living separately from the

victim. Therefore he requested for the court to hand down a proportional penalty against the defendant.

On the other hand the public defender testified that the defendant admitted all of the facts before the court, however the defendant committed the crime because the victim wanted to hit the defendant first and what the defendant did was a legitimate defense. Therefore he requested for the court to acquit the defendant from the charges of the public prosecutor.

Based on the proven facts and the mitigating circumstances in this case, the court concluded the matter and handed down a sentence of 6 months imprisonment suspended for 1 year, and ordered the defendant to pay court costs of US\$10.

8. Crime of simple offences against physical integrity

Case No.	: 0064/14VCBCV
Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Luis Hernanio Rangel da Cruz
Public Defender	: Jose M Guterres
Type of decision	: Sentenced to 1 year 6 months, suspended for 2 years.

On 20 January 2016 the Baucau District Court read out its decision and sentenced the defendant GMdP to a suspended prison sentence of 2 years after he was found guilty of committing the crime of simple offense against physical integrity against his neighbor LM in Baucau District.

The public prosecutor alleged that on 1 June 2014 at 5:00pm the defendant returned from Dili to Baucau and when he arrived at his house the defendant saw the victim closing the road with a piece of corrugated iron. Therefore, the defendant struck the victim once in the head with a chair, choked the victim, slapped him many times across the cheek and took a stone to throw at the victim but did not manage to do so.

This case allegedly occurred because the victim closed the road with a piece of corrugated iron so the defendant went to ask the victim and verbally abused the victim and then committed violence against the victim at his house.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity.

During the trial the defendant denied all of the facts alleged by the public prosecutor. The defendant testified that he did not manage to strike the victim but only asked if the victim had closed the road with the corrugated iron and the defendant only grabbed the arm of the victim and then the defendant went home.

On the other hand the victim continued to maintain the charges that suddenly the defendant yelled and entered his home, verbally abused him and struck the victim once in the head with a chair, once on the back of the neck, dragged the victim by the arm outside of the house and kicked the victim once in the back. This physical violence resulted in the victim receiving medical attention at the hospital for one day.

The witness CdCG testified that he only heard people arguing when he was crossing the main road to go and buy vegetables. However he did not know the motive of the incident and the witness did not see the defendant strike the victim. Meanwhile the witness TT testified that he saw the defendant yell at the victim and take a chair to strike the victim however he was unable to do so. The witness also testified that he saw the defendant slap, punch and kick the victim in the back.

In his final recommendations the public prosecutor testified that the defendant denied all of the facts, the witness CdCG did not know the facts, however the other witness (TT) testified that the alleged facts relating to the actions of the defendant against the victim were true. Therefore, he requested for the court to sentence the defendant to 3 months in prison, suspended for 1 year.

Meanwhile the public defender requested for the court to acquit the defendant from this matter because the public defender believed that the witness TT gave false testimony and only incriminated the defendant. The public defender requested an acquittal because the witness CdCG testified that he only heard them arguing and the defendant himself told the court that he did not commit violence against the victim, and only asked who had closed the road with the corrugated iron.

Based on the proven facts and the mitigating circumstances in this case, the court concluded the matter and handed down a sentence of 1 year and 6 months imprisonment suspended for 2 years, and ordered the defendant to pay court costs of US\$20.

9. Crime of property damage

Case No.	: 0222/14.PDBAU
Composition of judges	: Single
Judge	: Hugo da Cruz Pui
Public Prosecutor	: Alfonso Lopez
Public Defender	: Jonas H. da Costa
Type of decision	: Settlement was validated

On 20 June 2016 the Baucau District Court conducted a hearing to attempt conciliation in a case of property damage involving the defendant SOdCB and the victim MdCF. This case allegedly occurred in Baucau District.

During the attempted conciliation, the victim requested for the court to withdraw the complaint against the defendant because they settled it through customary resolution. Based on this request to withdraw the case, the court validated the settlement in this case and acquitted the defendant from the charges of the prosecutor.

10. Crime of attempted murder

Case No. : 0496/13.PDBAU
Composition of judges : Panel
Judges : Hugo da Cruz Pui, Ivan P Antonio, Albertina Neves
Public Prosecutor : Domingos G. Bareto
Public Defender : Antonio Fernades
Type of decision : Sentenced to 3 months in jail, suspended for 4 years

On 21 January 2016 the Baucau District Court read out its decision and sentenced the defendant LS to a suspended prison sentence of 4 years after he was found guilty of committing the crime of attempted murder against AN in Viqueque District.

The public prosecutor alleged that on 2 October 2013, at 2.30pm, the defendant who was from Liaruka went and took two horses belonging to the victim that were tied up in front of a house in Waimori village without the knowledge of the victim. Previously the victim promised to the defendant to give two horses to the defendant however the victim did not fulfil this promise.

At that time, the victim saw the defendant and followed him from behind. When they arrived at Wetukuriver the victim greeted the defendant however the defendant kept walking. The victim then approached him to get his horses back from the hands of the defendant, however the defendant took out his machete and tried to slash the victim's neck, however he missed because the victim blocked with his left elbow. These actions caused the tip of the machete to strike the victim in his forehead and elbow, and the victim suffered injuries and was treated at the hospital and received 7 stitches in his forehead.

The public prosecutor charged the defendant for violating Article 138 of the Penal Code on murder and Article 23 on attempt to commit a crime.

During the trial the defendant admitted that all of the facts alleged by the public prosecutor were true. The defendant testified that he went and grabbed the two horses because it was linked with a matter of customary law (*fetosan-umane*) because previously the victim had agreed to give two pieces of traditional cloth (*tais*) and two horses. However until the aforementioned date the victim had not complied with this, so the

defendant became angry and drank alcohol until he became drunk and then went and took the two horses belonging to the victim from the victim's house.

The defendant stated that after the incident the defendant regretted his actions and tried to settle the matter in accordance with customary law/practice in Timor-Leste. The defendant already provided compensation to the victim in the form of 2 traditional cloths for women and 1 traditional cloth for men. In relation to the two horses that were taken by force, the victim officially handed them back to the defendant to fulfil his previous promise.

In settling this matter the defendant and the victim agreed in the final hearing to kill a buffalo as a symbol of their peace.

In this hearing the victim continued to corroborate the facts in accordance with the charges of the public prosecutor and stated that the victim and the defendant have reconciled.

The witnesses B and S (wife of the victim and sister of the defendant) testified that they did not know about the case involving the forceful removal of the victim's horses, however they saw that the victim suffered injuries to his elbow and forehead. They also testified that the victim went for treatment at the hospital for 2 weeks and only recovered after 3 months. The victim has continued to do his work as normal and he is not disabled.

In his final recommendations the public prosecutor testified that the defendant admitted all of the facts stated in the indictment that were corroborated by the victim and that they have reconciled, and they consider themselves to be family. Therefore, he requested for the court to impose a penalty of three years imprisonment against the defendant, to be suspended for 4 years.

The public defender testified that the defendant admitted all of the facts before the court, and the defendant did not intend to slash the victim however the incident occurred all of a sudden. The public defender also testified that the victim and the defendant have reconciled in accordance with customary law (*fetosan-umane*). In addition, the injuries suffered by the victim have not impacted on the health of the victim. Therefore, the public defender requested for the court to amend Article 23 of the Penal Code on attempt to commit a crime, as well as Article 138 of the Penal Code on murder to Article 145 of the Penal Code on simple offences against physical integrity.

Based on the facts that were established as well as the final recommendations of the public prosecutor and public defender, the court considered and evaluated the request of the public defender to amend Article 23 of the Penal Code on attempt to commit a crime as well as Article 138 (e) of the Penal Code on attempted murder to Article 146 of the Penal Code on serious maltreatment.

After evaluating the evidence, the court concluded this matter and sentenced the defendant to three years in prison, suspended for four years.

11. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0174/14.PDBAU
Composition of judges :Single
Judge : Hugo da Cruz Pui
Public Prosecutor : Domingos Barreto
Public Defender : Jose M Guterres
Type of decision : Sentenced to 5 months in prison, suspended for 1 year.

On 21 January 2016 the Baucau District Court read out its decision and sentenced the defendant AX to a suspended prison sentence of 1 year after he was found guilty of committing the crime of domestic violence against his wife in Baucau District.

The public prosecutor alleged that on 9 March 2014, at 3:00pm, in Samagia, Laga, and the defendant the victim argued with the defendant because the defendant had sold a pig without telling the victim. Therefore, the defendant became angry and slapped the victim once in the mouth, once on her head and yanked the victim's hair causing her to fall to the ground and then she was taken to the hospital.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 of Law Against Domestic Violence.

After evaluating the facts, the court concluded that the defendant was found guilty of committing the aforementioned criminal act. In addition, the court also considered that since 2008 this was the first offence the defendant had committed against the victim.

Based on the proven facts and the mitigating circumstances in this case, the court concluded the matter and handed down a sentence of 5 months imprisonment suspended for 1 year.

12. Crime of making threats

Case No. : 0073/15. BCBCV
Composition of judges :Single
Judge : Afonso Carmona
Public Prosecutor : Luis H Rangel da Cruz
Public Defender : Marcia Sarmiento
Type of decision : Settlement was validated

On 21 June 2016 the Baucau District Court conducted a hearing to attempt conciliation in a case of making threats involving the defendant MdC and the victim FdC. This case allegedly occurred in Baucau District.

During the attempted conciliation the defendant admitted his guilt and apologized to the victim and the victim forgave the defendant and was willing to withdraw the complaint. The victim also added that the defendant and the victim lived close by or were neighbors.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendant from all of the charges of the public prosecutor.

13. Crime of simple offences against physical integrity characterized as domestic violence

Case No.	: 0036/14.LALAT
Composition of judges	: Single
Judge	: Afonso Carmona
Public Prosecutor	: Luis Hernani Rangel
Public Defender	: Jonas Henrique
Conclusion	: Sentenced to 6 months imprisonment, suspended for 1 year and ordered to pay court costs of \$ 20.00.

On 25 January 2016 the Baucau District Court, through the mobile court held in Lautem District, read out its decision and admonished the defendant PJ after he was found guilty of committing maltreatment characterized as domestic violence against his wife. This case allegedly occurred in 2014 in Mahina II village in Lautem District.

The court found that on 3 July 2014 the defendant twice slapped the right cheek of the victim and kicked the victim once in the back. The defendant punched the victim when the victim was found asleep with another man. The actions of the defendant caused the victim to suffer pain and bleeding from the mouth and pain to her back.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant admitted all of his actions and testified that currently he has reconciled with the victim and they are living together as husband and wife. The victim corroborated the defendant's statement.

Based on the proven facts and the mitigating circumstances in this case, the court concluded the matter and handed down a sentence of 6 months imprisonment suspended for 1 year, and ordered the defendant to pay court costs of US\$ 20.

14. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0059/14.LALAT
Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Luis Hernani Rangel
Public Defender : Jonas Henrique
Type of decision : Acquitted

On 26 January 2016 the Baucau District Court via the mobile court in Lautem District, read out its decision and acquitted the defendant JS because the court did not find evidence that the defendant committed violence against her husband, on 2014, in Lautem District.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the court found new evidence that the victim had destroyed a hand phone belonging to the defendant, and twice struck the defendant on the right side of his back with a large pestle. These facts were deduced based on the testimony of the defendant and were corroborated by the witness and the statement of the victim.

During the trial the witness RC testified that at that time he did not see the defendant throw anything at the victim however it was the victim who had struck the defendant, so the defendant became angry and threw two stones at the back of the victim's neck and back, and this caused injuries and a lot of bleeding. The witness also stated that currently the victim is being detained in jail due allegations of involvement in a case of murder.

Previously, the public prosecutor alleged that on 6 December 2014 the victim returned from the plantation and saw his clothing had been hung out to dry but they were still wet because nobody had taken them in when it was raining. At that time the victim saw the defendant playing with the hand phone and the victim went to ask her about it however the defendant did not respond and ignored the victim. Therefore, the victim became angry and grabbed the hand phone of the victim and then threw it on the ground and destroyed it.

Based on the new facts established by the court during the trial, the court concluded the matter and freed the defendant from the charges of the public prosecutor.

15. Crime of simple offences against physical integrity characterized as domestic violence

Case No. : 0023/15.LASIC
Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Luis Hernani Rangel
Public Defender : Jonas Henrique
Type of decision : Sentenced to 3 months in prison, suspended for 1 year.

On 27 January 2016 the Baucau District Court via the mobile court in Lautem District read out its decision and sentenced the defendant CdS to a suspended sentence of 1 year. The court proved that the defendant committed the crime of maltreatment characterized as domestic violence against his wife. This case allegedly occurred in 2015 in Nakroma Village, Lautem District.

The public prosecutor alleged that in 2015 the defendant once struck the victim in the mouth and caused to victim to suffer a lot of bleeding and become unconscious and then fall to the ground. In addition, the defendant continued to strike the victim in the back 3 times with a piece of wood.

This case allegedly occurred because the defendant wanted the victim to go and participate in a ceremony to end the period of mourning but he said the victim would have to return home quickly and must not be late getting home.

The public prosecutor charged the defendant for violating Article 145 of the Penal Code regarding simple offences against physical integrity, as well as Article 35 (b) of the Law Against Domestic Violence.

During the trial the defendant confessed all of the facts and stated that everything in the indictment of the public prosecutor was true. The defendant also testified that they have reconciled and they are living together as husband and wife.

In his final recommendations the public prosecutor requested for the court to sentence the defendant to 5 months in prison, suspended for 1 year. The public defender asked the court to hand down a lenient penalty against the defendant.

Based on the proven facts and the mitigating circumstances in this case, the court concluded the matter and handed down a sentence of 3 months imprisonment suspended for 1 year.

16. Crime of simple offences against physical integrity

Case No. : 0010/15.LASIC
Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Luis Hernani Rangel
Public Defender : Jonas Henrique
Type of decision : Settlement was validated

On 28 January 2016 the Baucau District, via the mobile court in Lautem District, attempted conciliation in a case of maltreatment involving the defendant AdJL and the defendant EL against the victim CD. This case allegedly occurred on 24 December 2014 in Com Village, Lautem District.

During the attempted conciliation, the victim requested for the court to withdraw the complaint against the defendants because they settled it through customary resolution. Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendants from the charges of the public prosecutor.

17. Crime of making threats

Case No. : 0278/13.PDBAU
Composition of judges : Single
Judge : Afonso Carmona
Public Prosecutor : Luis Hernani Rangel
Public Defender : Jonas Henrique
Type of decision : Settlement was validated

On 29 January 2016 the Baucau District Court, via the mobile court in Lautem District, attempted conciliation in a case of making threats involving the defendant JF and the victim EF. This case allegedly occurred in 2013 in Lautem District.

During the attempted conciliation, the victim requested for the court to withdraw the complaint against the defendant because they have resolved the matter and agreed to accept each other as family or friends because they are neighbors.

Based on the request to have the case withdrawn, the court validated the settlement in this case and acquitted the defendant from all of the charges of the public prosecutor.

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